

[counsel listed on signature page]

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JPMORGAN CHASE BANK, N.A.,

Plaintiff,

v.

KB HOME, *et al.*,

Defendants.

2:08-CV-01711-PMP-RJJ
BASE FILE

**STIPULATED CONSENT TO
JPMORGAN'S REQUEST FOR
STAY [ECF# 383] AND
[PROPOSED] ORDER STAYING
CASE**

Related Cases:

2:08-CV-01709-PMP-RJJ
2:08-CV-01713-PMP-RJJ
2:08-CV-01714-PMP-RJJ
2:08-CV-01715-PMP-RJJ
2:08-CV-01716-PMP-RJJ
2:08-CV-01717-PMP-RJJ

2:09-CV-01154-PMP-RJJ
2:09-CV-01547-PMP-RJJ
2:09-CV-01548-PMP-RJJ
2:09-CV-01549-PMP-RJJ
2:09-CV-01550-PMP-RJJ
2:09-CV-01551-PMP-RJJ
2:09-CV-01552-PMP-RJJ

Relates To:

All Actions

Pursuant to Local Rule 7-1, plaintiff JPMorgan Chase Bank, N.A. ("JPMorgan") and defendants Meritage Homes of Nevada, Inc., Meritage Homes Corp., Coleman-Toll Limited Partnership, Toll Brothers, Inc., KB Home, KB Home of Nevada, Inc., Pardee Homes of Nevada, Weyerhaeuser Real Estate Company, Beazer Homes Holding Corp., Beazer Homes USA, Inc., John Ritter, and Focus South Group LLC (collectively, the "Defendants"), by and through their undersigned attorneys, stipulate as follows:

1 1. On December 9, 2010, an involuntary Chapter 11 bankruptcy petition (the
2 “Bankruptcy Petition”) was filed against the Debtor by petitioning creditors JPMorgan Chase Bank,
3 N.A., Credit Agricole Corporate and Investment Bank, and Wells Fargo Bank, N.A. pursuant to
4 Section 303 of Title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the “Bankruptcy Code”),
5 in the United States Bankruptcy Court for the District of Nevada, 300 Las Vegas Boulevard South,
6 Las Vegas, Nevada, 89101.

7 2. On December 10, 2010, JPMorgan filed a Notice of Automatic Stay (ECF# 388) and a
8 Motion for Discretionary Stay (ECF# 389).

9 3. Counsel for the parties in this case conferred by telephone between December 10,
10 2010 and December 16, 2010 regarding JPMorgan’s Notice of Automatic Stay and Motion for
11 Discretionary Stay.

12 4. Except as stated in paragraph 6, below, the parties have agreed that the captioned
13 action should be stayed until February 7, 2011 or until such time as the Bankruptcy Court has
14 determined whether to enter an order for relief on the Bankruptcy Petition (the “Bankruptcy Ruling”).

15 5. Defendants reserve their right to respond to JPMorgan’s Notice of Automatic Stay and
16 Motion for Discretionary Stay within ten (10) calendar days after the Bankruptcy Ruling without any
17 prejudice from this stipulation.

18 6. Notwithstanding the foregoing, JPMorgan shall remain obligated to comply with this
19 Court’s November 15, 2010 Order (ECF# 372) as well as the prior orders related thereto regarding
20 Lender Discovery.

21 Dated: December 21, 2010

23 By: /s/ Andrew J. Detherage
24 Andrew J. Detherage
25 Karoline E. Jackson
26 BARNES & THORNBURG LLP
27 11 S. Meridian Street
28 Indianapolis, Indiana 46204
Tel: (317) 236-1313
Fax: (317) 231-7433
Andy.Detherage@btlaw.com

Megan K. Dorsey

By: /s/ James E. Hough
James E. Hough
MORRISON & FOERSTER LLP
1290 Avenue of the Americas
New York, New York 10104-0050
Tel.: (212) 468-8000
Fax: (212) 468-7900
jhough@mofo.com

Jeffrey R. Sylvester
SYLVESTER & POLEDNAK, LTD.

KOELLER, NEBEKER, CARLSON, &
HALUCK, LLP
300 S. 4th St., # 500
Las Vegas, Nevada 89101
Tel: (702) 853-5500
Fax: (702) 853-5599

*Counsel for Defendants Beazer Homes
Holdings Corp. and Beazer Homes USA,
Inc.*

7371 Prairie Falcon Road, Suite 120
Las Vegas, Nevada 89128
Tel.: (702) 952-5200
Fax: (702) 952-5205
jeff@sylvesterpolednak.com

*Counsel for Plaintiff JPMorgan Chase
Bank, N.A.*

By: /s/ Bruce E. Van Dalsem
Bruce E. Van Dalsem
Michael T. Lifrak
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
865 S. Figueroa Street, 10th Floor
Los Angeles, California 90017
Tel: (213) 443-3000
Fax: (213) 443-3100
brucevandalsem@quinnemanuel.com

Donald Lattin
MAUPIN OATS COX& LEGOY, PC
4785 Caughlin Pkwy
Reno, Nevada 89509
Tel: (775) 827-2000

*Counsel for Defendants KB Home and
KB Home Nevada, Inc.*

By: /s/ Mark T. Dooks
Mark T. Dooks
Thomas V. Reichert
Benjamin D. Lichtman
BIRD, MARELLA, BOXER,
WOLPERT, NESSIM, DROOKS &
LINCENBERG, P.C.
1875 Century Park East
Los Angeles, California 90067
Tel: (310) 201-2100
Fax: (310) 301-2110
mtd@birdmarella.com

Donald Lattin
MAUPIN OATS COX& LEGOY, PC
4785 Caughlin Pkwy
Reno, Nevada 89509
Tel: (775) 827-2000

*Counsel Defendants Coleman-Toll
Limited Partnership and Toll Brothers,
Inc.*

By: /s/ Douglas C. Northup
Douglas C. Northup
FENNEMORE CRAIG, P.C.
300 South Fourth Street, #1400
Las Vegas, Nevada 89101
Tel: (702) 692-8000
Fax: (702) 692-8099
dnorthup@fclaw.com

*Counsel for Defendants Meritage
Homes of Nevada, Inc. and Meritage
Homes Corp.*

By: /s/ Fredric C. Nelson
Fredric C. Nelson (CA SBN 48402)
John R. Foote (CA SBN 99674)
NIXON PEABODY LLP
One Embarcadero Center, 18th Floor
San Francisco, California 94111
Tel: (415) 984-8200
Fax: (415) 984-8300
fnelson@nixonpeabody.com

Pat Lundvall (NSBN 3761)
MCDONALD CARANO WILSON LLP
2300 West Sahara Avenue,
Suite 1000
Las Vegas, Nevada 89102
Tel: (702) 873-4100

Fax: (702) 873-9966

*Counsel for Defendants Pardee
Homes of Nevada and
Weyerhaeuser Real Estate Company*

By: /s/ Charles M. Vlastic III

Charles M. Vlastic III (NSBN 11308)
BOGATZ & ASSOCIATES, P.C.
3455 Cliff Shadows Pkwy., Suite 110
Las Vegas, Nevada 89129
Tel: (702) 776-7000
Fax: (702) 776-7900
cvlastic@isbnnv.com

*Counsel for Defendant John A. Ritter,
Defendant and Counterdefendant Focus
South Group, LLC*

PURSUANT TO THE FOREGOING STIPULATION, IT IS SO
ORDERED:

By: 

PHILIP M. PRO, U.S. DISTRICT JUDGE

Dated: December 22, 2010.